

Submitted February 22, 2012  
Approved as of  
Date February 22, 2012

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 22-2011  
Wednesday, November 9, 2011**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, November 9, 2011.

**PRESENT**

John Tyner, Chair  
Jerry Callistein  
Don Hadley  
David Hill  
Kate Ostell  
Dion Trahan

**Absent:** Kathleen Cook

**Present:** Susan Swift, Director, CPDS  
Andrew Gunning, Assistant Director, CPDS  
Marcy Waxman, Assistant City Attorney  
Jim Wasilak, Chief of Planning  
Bobby Ray, Principal Planner  
Margaret Hall, Planner II  
Nicole Walters, Planner II  
David Levy, Chief of Long Range Planning  
Jeremy Hurlbutt, Planner III  
Cindy Kebba, Planner III  
Mayra Bayonet, Planner III

**I. COMMISSION ACTION**

- A. Ownership Plat PLT2012-00513, Rob Borris, 1 & 2 Taft Court LLC - to divide the existing record lot into two ownership lots for separate ownership and/or financing.**

Ms. Hall introduced the application by first explaining the four findings that must be made in approving an ownership plat. They are: 1) compliance with the master plan, 2)

health and safety issues, 3) type of development proposed and 4) violation of any application laws.

She stated that it was determined that the existing water and sewer hookups on the property do not comply with the provisions in City Code Chapter 24, Article 2: Connections and Service Lines, requiring an additional condition be placed on the approval of the plat. She recommended changing the language in the staff report finding for clarification.

Nancy Reglin, representing the applicant said she has spoken to Staff about the additional conditions and the applicant finds them acceptable.

Commissioner Hill motioned, seconded by Commissioner Callistein, to approve Ownership Plat PLT2012-00513 as described in the Staff Report with the findings as described, and accepting staff's recommendations for additional conditions 3 and 4. The motion passed 6-0 (Commissioner Cook was absent).

**B. Final Record Plat PLT2012-00512, Mohan Wadhwani - to consolidate the property, currently made up of a buildable part lot and two adjacent unbuildable part lots into a single record lot of 18,885 square feet.**

Ms. Hall presented her summary stating the application complies with all the zoning ordinance requirements mentioned in the staff report.

Commissioner Hadley recused himself because he has represented the applicant in a previous matter.

Commissioner Hill asked if there were any forest and tree preservation requirements for this action because the neighbor expressed concern about the trees.

Ms. Hall said there would not be forest and tree preservation requirements for this action and she is aware of the neighbors' concerns about the condition of the trees on the property and the possibility of them snapping and falling on his house. She said if necessary, the trees will be evaluated and if found dangerous, would be removed or altered to render them safe.

Russell Reece with Maddox Engineers and Surveyors spoke and stated he prepared the plat and confirmed that he and the applicant are in concurrence with Staff's conditions.

Commissioner Trahan motioned, seconded by Commissioner Callistein, to adopt the Final Record Plat PLT2012-00512 and all findings and recommendations as described. The motion passed 5-0-1. (Commissioner Hadley recused himself, and Commissioner Cook was absent)

- C. Site Plan STP2011-00085, Rollins Center** - for approval to develop a 9,272 square foot one (1) story commercial building that will consist of approximately 6,288 square feet of retail space and approximately 2,984 square feet of office space. On the west side of the building will be a one (1) lane drive-thru bank. The applicant is also requesting waivers from Section 4 of the Landscaping, Screening and Lighting Manual and from Section 25.17.03 of the Zoning Ordinance from the Screening and Placement of Utility Equipment.

Nicole Walters presented her summary of the site plan application and recommended approval, subject to the conditions noted in the Staff Report.

The Commission discussed and asked staff about the location of the transformer, location of the bank drive-thru lane, the tree-lawn/sidewalk, and the location of the bus stop.

Soo Lee Cho with Miller Miller and Canby, spoke on behalf of the applicant, stating that they are in compliance with the requirements stated in the Staff Report and that the Staff's conditions of approval are acceptable to the client.

Steven Carr, the architect for the applicant, provided his summation of the site plan. Commissioner Hill expressed concern about the width of the sidewalks surrounding the building which resulted in a discussion about access to the building.

Commissioner Callistein asked if there was enough room for a delivery truck to maneuver around the rear of the property. Dean Packard, civil engineer, answered that there will be enough room for a delivery truck.

The Public Hearing was opened and the following speaker addressed the Commission:

Katherine Schwering of 3 Lorraine Court, Rockville, MD, lives in a neighborhood one block from Rollins Avenue and Rockville Pike. She is not in favor of the proposed building on Rollins Avenue, stating the impact on the traffic is seriously underestimated.

The Commission further discussed the traffic pattern and proposed median on Rollins Avenue, and placement of the transformer.

Commissioner Ostell moved, seconded by Commissioner Callistein, to approve site plan STP2011-00085 with the conditions as stated and the findings in the Staff Report, with the waiver from Section 4 of the Landscaping Screening and Lighting manual requirements. The motion passed 6-0 (Commissioner Cook was absent).

Commissioner Callistein moved, seconded by Commissioner Trahan, to approve a waiver pursuant to Section 25.17.03.C to allow the transformer to be placed above-ground and screened on three sides and not to be enclosed as required in Section 25.17.03.B2. The motion passed 5-1-0 (Commissioner Hill voted no and Commissioner Cook was absent).

- D. Zoning Text Amendment TXT2012-00231, Mayor and Council of Rockville -** To revise the definition of "family" in Article 3 of the Zoning Ordinance to clarify that all residents of a dwelling must live as a single housekeeping group, and that in the case of unrelated residents (limit of 5), they cannot be collectively related.

Mr. Mellander introduced the text amendment and recommended approval of the amendment as a clarification of the existing policy and definition.

Commissioner Hill moved to recommend to Mayor and Council the wording of text in TXT2012-00231, as outlined in the Staff Report and the motion was seconded by Commissioner Ostell. The motion passed 6-0 (Commissioner Cook was absent).

**II. WORK SESSION -** Twelfth Work Session on the Draft Rockville Pike Plan, Rockville Pike District Form Code, continued from October 26th.

Cindy Kebba continued the group discussion regarding mid-rise, building heights, walkability & greenspace, lower building heights in residential areas near the metro, higher heights in the commercial areas.

**III. COMMISSION ITEMS**

- A. Staff Liaison Report
  - 1. Andy Gunning updated the Commission on the upcoming meeting schedule and agendas.
- B. Old Business
- C. New Business
- D. Minutes
- E. FYI Correspondence

**IV. ADJOURN**

The Chair adjourned the meeting at 11:49 p.m.

Respectfully Submitted,

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Sandra Y. Driver, Commission Secretary